



## BY-LAW 458

### BY-LAW REGARDING THE CONSTITUTION OF A LOCAL FUND RESERVED FOR THE REPAIRS AND MAINTENANCE OF CERTAIN PUBLIC ROADS

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WHEREAS articles 78.1 and following of the *Municipal competence Act* (L.R.Q. c. C-47.1) which enforces the obligation to every local municipality whose territory includes a quarry or sandpit, to constitute a fund reserved for the repairs and maintenance of certain public roads;

WHEREAS the presence of quarries and sandpits on the municipality's territory;

WHEREAS the absence of the constitution of a regional fund reserved for the repairs and maintenance of certain public roads with regards to Article 110.1 of the *Municipal competence Act*;

WHEREAS a notice of motion of the present by-law was duly given by Councillor Gilles Coutu at the Council meeting held on October 8th, 2008;

THAT IT BE ORDAINED AND STATUED BY THE PRESENT BY-LAW, SUBJECT TO THE APPROVALS REQUIRED BY LAW, SPECIFICALLY :

#### ARTICLE 1. PREAMBLE

The preamble to the present by-law forms an integral part as if it were reproduced in its entirety.

#### ARTICLE 2. DEFINITIONS

Quarry or sandpit: Any location as defined in Article 1 of the *By-law regarding quarries and sandpits* (R.R.Q. c. Q-2, r.2). The term sandpit includes, particularly, the term gravel pit by the terms of this by-law.

Owner of a quarry or sandpit : Person or company that runs a sandpit, specifically, that proceeds with the extraction or recycling of substances deemed to be sold of for its own use.

Subjected substances: Are subject to the present by-law, substances which are transformed or not, which are transported or not from a quarry or sandpit. These substances include surface mineral substances listed in Article 1 of the *Mines Act* (L.R.Q. c. M-13.1), such as, sand, gravel, clay, small stones, crushed stone, mineral used for the fabrication of cement and inert mining residue, with the exclusion of turf. These substances also include those coming from recyclable demolition debris from properties, bridges, roads or other structures.

#### ARTICLE 3. ESTABLISHMENT OF FUNDS

Council decreed, by the present by-law, the constitution of a local fund reserved for the repairs and maintenance of certain public roads.

#### **ARTICLE 4. DESTINATION OF FUNDS**

The amounts paid into the fund will be used, less those reserved for administering the regime as stipulated in the present by-law:

1. For repairs or maintenance of all or part of public roads, by which will pass through or are susceptible of passing through, from quarry or sandpit sites located on the Municipality's territory, substances subject to having fees payable, as per the present by-law;
2. For work aimed at offsetting inconveniences linked to the transportation of subjected substances;

#### **ARTICLE 5. ROYALTIES TO BE COLLECTED**

To be provided for the needs of the funds by royalties payable by each quarry or sandpit located on the Municipality's territory by royalties payable by each owner of a quarry or sandpit located on the Municipality's territory whose operation is susceptible to incur the transit, on public municipal roads, substances subjected by the present by-law.

The royalties payable by the owner of a quarry or sandpit is calculated as per the quantity, calculated by metric ton (*cubic meter*), of substances, transformed or not, which transit from his site and are substances subjected by the present by-law.

#### **ARTICLE 6. EXCLUSION**

No rights are payable with regards to substances that are transformed within a property included in a valuation unit including the site and listed under column « 2-3--- MANUFACTURING INDUSTRY », with the exception of columns « 3650 Prepared concrete industry » and « 3791 Fabrication of bituminous concrete Industry », stipulated in the manual which refers to the by-law, specifically paragraph 1<sup>o</sup> of Article 263 of the *Municipal tax Act* (L.R.Q. c. F-2.1). The exclusion also applies when the property is included in a valuation unit and that it is adjacent to the one which includes the site.

When an owner of a quarry or sandpit produces a signed declaration as stipulated in Article 8 and that this declaration establishes that no subjected substances are susceptible of being transported by public municipal roads from his site, he is also exempt from any right with regards to the period covered by the declaration.

#### **ARTICLE 7. AMOUNT OF FEES PAYABLE PER METRIC TON**

For the 2009 municipal financial year, the fees payable are 0,50 \$ per metric ton for any subjected substance.

For any subsequent year, the fees payable per metric ton is the result obtained when indexing the increase of the amount applicable for the previous year. The percentage corresponds to the increased rate, as per Statistique Canada, of the price index for Canada's consumption. In accordance to Article 78.3 of the *Municipal competence Act*, this percentage as well as the amount applicable are published in the *Quebec Official Gazette* before the beginning of the specified year.

#### **ARTICLE 8. AMOUNT OF THE FEES PAYABLE PER METRIC CUBE**

For the 2009 municipal financial year, the fees payable are 0,95 \$ per cubic meter for any subjected substance with the exception of, in the case of small stone, as the price is \$ 1,35 per metric cube.

For any subsequent year, the fees payable per cubic meter is the result obtained when multiplying the amount payable per metric ton by the conversion factor of 1,9 or, in the case of small stone, by the factor 2.7. In accordance to Article 78.3 of the *Municipal competence Act*, the applicable amount is published annually by the *Quebec Official Gazette* before the beginning of the specified year.

**ARTICLE 9. DECLARATION OF THE OWNER OF A QUARRY OR SANDPIT**

Any owner of a quarry or sandpit must declare to the Municipality:

1. If substances subject to a fee payable as per the present by-law are susceptible to being transported by public municipal roads from each site being operated during the period covered by the declaration;
2. In such case, the quantity of substances, measured in metric ton or in cubic meter, which have been transported from each site being operated during the period covered by the declaration;
3. If the declaration specified in the first paragraph of the present article establishes that no substances are susceptible of being transported by public municipal roads from a site during the period covered, this declaration must be sworn-in and reasons must be specified.

**ARTICLE 10. OWNER'S DECLARATION PERIOD**

Any owner of a quarry or sandpit must present a sworn-in declaration to the Municipality:

1. before July 15 of the year for substances that have been transported from January 1st to May 31st of the year;
2. before November 15th of the year for substances that have been transported from June 1st to September 30th of the year;
3. before February 15th of the following year for substances that have been transported from October 1st to December 31<sup>st</sup> of the year in which the fees are payable.

<p>Modified by By-law 506-2013 (res. 77.04.13)</p>
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**ARTICLE 11. REQUIREMENT OF FEES PAYABLE AND FORWARDING OF AN ACCOUNT**

The fees payable by an owner are required as of the 30th day following the forwarding of an account by the municipal employee responsible for collecting the fees. Interest runs as of this date at the rate in effect for interests on municipal taxes in arrear.

The account notifies the debtor of the regulations stipulated in the first paragraph.

The fees payable by an owner for subjected substances that have been transported from each site being operated, during the municipal financial year, is however not eligible before:

1. August 1st of the year for substances which have been transported from January 1<sup>st</sup> to May 31<sup>st</sup> of the year;
2. December 1st of the year for substances that have been transported from June 1st to September 30th, of the year;
3. March 1<sup>st</sup> of the following year for substances that have been transported from October 1st to December 31st of the year the fees are payable.

**ARTICLE 12. MODIFICATION TO THE ACCOUNT**

When a municipal employee responsible for collecting fees agrees that, after having obtained information, that an owner was wrongly exempted of the fees payable with regards to a site pursuant to a declaration made by the owner, or the quantity of substances that have been transported from a site which is different from the one mentioned in the declaration, he must mention any change he believes must be made to such a declaration.

The fees payable with regards to the modifications made to the account, subject to the ruling given resulting in proceedings undertaken for the enforcement of the present by-law.

**ARTICLE 13. DESIGNATED MUNICIPAL EMPLOYEE**

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Those responsible for enforcing the present by-law are : the Director general, the Director, Urbanism department, the Director, Environment department, the Director, Public works department.

These people are responsible for establishing any mechanism aimed at studying the exactitude of any declaration made as per the by-law and the power of inspection in order to do so.

These people are authorized to undertake legal proceedings against anyone who contravenes and issue an infringement notice for any offence to one of the provisions of the present by-law.

#### **ARTICLE 14. PENAL PROVISIONS**

Any individual or legal entity who fails to provide a declaration as required by this by-law or who presents a false declaration, commits an offence and is liable, along with fees, to a minimum fine of \$ 500 and a maximum fine of \$ 1,000 for an individual or a minimum fine of \$ 1 000 and a maximum fine of \$ 2,000 for a legal entity.

#### **ARTICLE 15. ENTERING INTO EFFECT**

The present by-law enters into effect in accordance to the Law.

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Michel Plante  
Mayor

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Yves Desmarais  
Director general  
Secretary-treasurer